

REMARKS

As a preliminary matter, Applicants' representative would like to thank the Examiner for courtesies extended in the personal interview conducted on September 22, 2005.

An Examiner's Interview Summary Record (PTOL-413) was provided by the Examiner at the interview on September 22, 2005.

Applicants submit this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interview, the following was discussed:

A. Identification of claims discussed:

Claims 1, 3 and 4.

B. Identification of prior art discussed:

Ishikawa (United States Patent No. 5,306,322).

C. Identification of principal proposed amendments:

None.

D. Brief Identification of principal arguments:

Applicants' representative respectfully pointed out that Ishikawa does not teach or suggest a method for sintering a porous glass-material having a core inside the porous-glass material, wherein "*said predetermined range of said outer diameter (d) of said porous-glass material comprises substantially $0.5xD \leq d \leq 0.9xD$* " as recited in claim 1, and similarly recited

in claims 8 and 15.

Indeed, the Examiner does not even allege that Ishikawa teaches or suggests these features.

That is, the Examiner merely alleges that "it is noted that Applicant implicitly admits that Ishikawa meets the claimed range. On page 9, lines 15-22 of the arguments of 5 April 2005, Applicant points out if one practices the method with a value less than the 0.5-0.9 range, then no useful product will result. Ishikawa is presumed to be enabled for its intended purpose. Thus Ishikawa has to have a range of at least 0.5" (see Office Action dated April 27, 2005 at page 4, lines 8-12). Applicants respectfully disagree.

That is, Applicants submit that while Ishikawa may be presumed to be enabled for its intended purpose it is merely enabled for solving the specific problems recognized in Ishikawa (i.e., the intended purpose of Ishikawa, not the intended purpose of the claimed invention). Specifically, Ishikawa is merely enabled for drawing an optical fiber having a low transmission loss (see Ishikawa at column 2, lines 3-7).

Along these lines, as pointed out in M.P.E.P. §2141.02: "[A] patentable invention may lie in the discovery of a source of a problem even though the remedy may be obvious once the source of the problem is identified. This is part of the 'subject matter as a whole' which should always be considered in determining the obviousness of the invention under 35 U.S.C. § 103." Applicants have discovered a specific source of a specific problem and have further discovered a specific parameter that effects the source of the problem. Ishikawa does not recognize the problem, the source of the problem, nor the parameter.

Specifically, the specific range recited in claim 1 allows the claimed invention to provide more effective sintering of a porous glass material, and more particularly allows the claimed invention to provide a glass base material having lower eccentricity in a radial direction.

E. Results of the Interview:

The Examiner maintained that Ishikawa taught a ratio of d/D of 0.93. The Examiner further maintained that 0.93 taught or suggest the claimed range of $0.5xD \leq d \leq 0.9xD$, because 0.93 written to one significant digit is 0.9. However, the Examiner indicated that amending the claimed invention to recite a range "between 0.5 and 0.9" would exclude 0.93. Similarly, the Examiner indicated that amending the claims to recite $0.6xD \leq d \leq 0.8xD$ (as currently recited in dependent claim 3) would also exclude 0.93.

The Examiner further indicated that amending the claims as indicated above would require evidence of a secondary consideration to overcome the Examiner's prior art-based rejections.

F. Conclusion:

Applicants respectfully submit that Ishikawa does not teach or suggest each and every element of the claimed invention.

Thus, the Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

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Docket No. T36-145442M/RS

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The Commissioner is hereby authorized to charge any fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0481.

Respectfully Submitted,

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